

ARTICLE 16

TIMBER GRAZING

SECTION 16.010, PURPOSE: The purpose of the Timber Grazing Zone is to provide areas for commercial farm and forest activities and permit the establishment of only those new uses which are compatible with agricultural and forest activities. The intention of the Timber Grazing Zone is to guarantee the preservation of the areas so classified for farm and forest use free from conflicting non-farm, non-forest use.

SECTION 16.015, PERMITTED USES: In the Timber Grazing Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this ordinance. Applicable review standards for dwelling and structure applications will be determined by the Planning Department based on the predominant use of the tract on January 1, 1993. Where the predominant use as of January 1, 1993, was forest; the standards of this article shall apply. In which case, the provisions of Section 16.025(7) shall only apply to that portion of the subject property in forest use on that date. Where the predominant use of the tract on January 1, 1993, was agriculture; the standards of Article 15, Exclusive Farm Use shall apply.

01. Cultivation, management, protection, and harvest of forest crops.
02. Farm uses.
03. Nonresidential buildings customarily provided in conjunction with farm and forest uses subject to the provisions of Article 3, Ministerial Review; and Article 4, Administrative Review.
04. A single-family dwelling on a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001. The road shall not be a United States Forest Service road or Bureau of Land Management road and shall be maintained and either paved or surfaced with rock. In addition, the following standards

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standards shall apply:

- A. The tract or parcel upon which the dwelling is to be located was lawfully created prior to January 1, 1985; and
 - B. The criteria of Section 16.025 (5), (6), and(7) shall be met; and
 - C. Application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. If the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the permit will not be considered to conflict with the habitat if located on a parcel of 160 acres. If a dwelling is located on a lesser size parcel, the Oregon Department of Fish and Wildlife shall be solicited for comment on potential conflict; and
 - E. If the lot or parcel on which the dwelling is to be sited was lawfully created; then
 - F. The lot or parcel on which the dwelling is to be sited must have been acquired by the present owner prior to January 1, 1985, or by devise or by intestate succession for a person who acquired the lot or parcel prior to January 1, 1985. Owner includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner or a business entity owned by any one or combination of these family members; and
 - G. No other dwelling exists on the tract; and
 - H. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
05. A single-family dwelling on a tract of at least 240 contiguous acres if:
- A. No other dwelling exists on the tract; and

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- B. The criteria of Section 16.025 (5), (6) and (7) is met; and
 - C. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
06. A single-family dwelling on a tract of at least 320 acres in one ownership that is not contiguous but is in the same county or adjacent counties and zoned for forest use where no dwelling exists on the tract. The applicant shall provide evidence of the following:
- A. That the covenants, conditions, and restrictions form provided by the Planning Department has been recorded with the County Clerk of the county or counties where the property subject to the covenants, conditions, and restrictions is located; and
 - B. The criteria of Section 16.025 (5), (6), and (7) is met; and
 - C. The application for the dwelling satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - D. The application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
07. A single-family dwelling on a lot or parcel where no dwelling exists if the lot or parcel is composed of soils that are:
- A. Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:
 - 1. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

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2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- B. Or, capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1, 1993, on the other lots or parcels; and
 3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- C. Or, capable of producing more than 50 cubic feet per acre per year of wood fiber if:
1. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 2. At least three dwellings existed on January 1,

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1993, on the other lots or parcels; and

3. The lots or parcels to be used to satisfy the eligibility requirements are not located within urban growth boundaries; and
 4. No other dwellings may be allowed on lots or parcels that make up the tract and deed restrictions provided for in subsection 6(A) of this section shall be recorded with the Clerk of Wallowa County for the other lots or parcels that make up the tract.
- D. Or, if the tract contains 60 acres or more and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
1. Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road or stream; and
 2. Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and be on the same side of the road or stream as the tract.
- E. If the tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and, to the maximum extent possible, aligned with the road; and

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- F. The criteria of Section 16.025 (5), (6) and (7) shall be met. The pertinent criteria of Article 36, Salmon Habitat Restoration, shall be satisfied; and the application satisfies the requirements of the Wallowa County Comprehensive Land Use Plan and Zoning Articles.
08. Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
 09. Farm use as defined in ORS 215.203.
 10. Local distribution lines, such as: electricity, telephone, natural gas, etc.; and accessory equipment, such as: electricity distribution transformers, poles, meter cabinets, terminal boxes, pedestals, or equipment which provides service hookups - including water service hookups.
 11. Temporary, portable facility for the primary processing of forest products.
 12. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
 13. Private hunting and fishing operations without any lodging accommodations.
 14. Towers and fire stations for forest fire protection.
 15. Water intake facilities, canals, and distribution lines for farm irrigation and ponds.
 16. Caretaker residences for public parks and fish hatcheries.
 17. Uninhabitable structures accessory to fish and wildlife enhancement.
 18. Temporary forest labor camps.
 19. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons - including the placement and operation of compressors, separators, and other customary production equipment for an individual well adjacent to the well head.
 20. Destination resorts reviewed and approved pursuant to ORS

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197.435 to ORS 197.465, Goal 8, Recreational Needs; and Article 20, Destination Resort Zone.

21. Subject to the provisions of Article 3, Ministerial Review, a single-family dwelling may be altered, restored, or replaced providing:

A. The dwelling to be replaced meets the following criteria:

1. Was lawfully created; and
2. Has intact exterior walls and roof structure; and
3. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; and
4. Has interior wiring for interior lights; and
5. Has a heating system; and
6. In the case of replacement is removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and
7. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration.

B. If the dwelling to be replaced was authorized as an accessory-farm dwelling pursuant to Section 15.020 (3)(A)(2)(c):

1. It meets the criteria of subsection 21(A) above; and
2. It may only be replaced by a manufactured dwelling.

SECTION 16.020, BUILDING AND ACTIVITIES PERMITTED CONDITIONALLY IN THE TIMBER GRAZING ZONE: The following uses and activities and accessory buildings and uses are permitted subject to the provisions of Article 9, Conditional Use Permit.

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01. Permanent facility for the primary processing of forest products.
02. Permanent logging equipment repair and storage.
03. Log scaling and weigh stations.
04. Disposal site for solid waste approved by the governing body of a city or county or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245 together with equipment, facilities, or buildings necessary for its operation.
05. Parks and campgrounds as defined in Section 1.065. Campgrounds authorized by this section shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations.
06. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 16.015(12) and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
07. Television, microwave, and radio communication facilities and transmission towers.
08. Fire stations for rural fire protection.
09. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
10. Aids to navigation and aviation.
11. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
12. Reservoirs and water impoundment.
13. Firearms training facility.
14. Cemeteries.

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15. Private seasonal accommodations for fee hunting operations may be allowed subject to Article 16, Section 16.015 (4), (5), (6), or (7); Section 16.025 (5) and (6); and the following requirements:
 - A. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 - B. Only minor incidental and accessory retail sales are permitted; and
 - C. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and
 - D. The application satisfies the pertinent criteria of Article 36, Salmon Habitat Restoration; and
 - E. Other conditions imposed by the review authority.
16. New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines, such as: gas, oil, geothermal, etc. with rights-of-way 50 feet or less in width.
17. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
18. Home-based occupations as defined in Article 35, Home-Based Occupation.
19. One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident, If personal hardship relating to the aged, infirmity, or other persons incapable of maintaining a separate residence necessitates someone living on the same premises, the following conditions shall apply:
 - A. The applicant must have a signed physician's statement indicating the need for care; and
 - B. The permit shall be issued for a specific person and

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for a period of one year requiring annual review and renewal. No change in occupancy shall take place without review of the Planning Commission. The temporary dwelling shall be removed after the original need has ceased; and

C. The placement of the temporary dwelling shall be located in such a way to utilize existing water, sewer, electrical, access and the Department of Environmental Quality shall approve the sewer provisions; and

D. Granting of the permit shall not constitute as approval to divide land. The location of a temporary dwelling unit on a parcel shall not be considered the creation of a separate dwelling site.

20. Personal-use airports for airplanes and helicopter pads - including associated hangar, maintenance, and service facilities. A personal-use airport, as used in this section, means an airstrip restricted - except for aircraft emergencies - to use by the owner, by invited guests on an infrequent and occasional basis, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airport other than those owned or controlled by the owner of the airstrip.

Exceptions to the activities permitted under this definition may be granted through waiver action by the Department of Transportation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Department of Transportation.

21. Expansion of existing airports.

22. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Article 9; Article 16; Section 16.025 (5), (6), and (7); and the following requirements:

A. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

B. Only minor incidental and accessory retail sales are permitted; and

C. Accommodations occupied temporarily for the purpose of

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fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

- D. Accommodations must be located within one-fourth mile of fish bearing Class I waters; and
 - E. Other conditions imposed by the review authority.
- 23. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - 24. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
 - 25. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.
 - 26. Improvement of public road and highway related facilities, such as: maintenance yards, weigh stations, and rest areas where additional property or right-of-way is required but not resulting in the creation of new land parcels.
 - 27. Roads, highways, and other transportation facilities and improvements not allowed under Section 16.020, (24) and (25) may be established subject to the approval of the governing body or its designate in areas zoned for exclusive farm use subject to:
 - A. Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply; or
 - B. ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in Section 3, Chapter 529, Oregon Laws 1993.

SECTION 16.025, PROPERTY DEVELOPMENT STANDARDS:

- 01. **PARCEL SIZE:** The minimum lot size for creation of a new lot or parcel in the Timber Grazing Zone shall be 240 acres. Land divisions of less than 240 acres in size may be allowed for uses listed in OAR 660-06-025(3)(m) through (o) and

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and (4)(a) through (n) provided that such uses were approved conditionally and that the subject parcel is the minimum necessary for the use.

02. **ACCESS:**

- A. When considering creation of a new parcel or parcels, those less than the minimum lot size must have existing public access and must be within one mile of existing public school bus service.
- B. When considering creation of a new parcel or parcels, those meeting the minimum lot size may be served by a private easement.

03. **SETBACKS:**

PROPERTY LINES - Not less than 25 feet - exception fences and signs.

STATE HIGHWAYS, STREAMS, RIVERS, AND LAKES - Not less than 100 feet.

04. **FRONTAGE:**

Minimum lot frontage for all parcels abutting a public road shall be 200 feet.

05. **SITING STANDARDS:**

- A. The siting requirements may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for growing trees. Dwellings and structures shall be sited on the parcel so that:
 - 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
 - 2. The siting insures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling, and

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structures is minimized; and

4. The risks associated with wildfire are minimized.

B. The applicant shall provide evidence to the review authority that the domestic water supply is from a source authorized in accordance with the Water Resources Department's Administrative Rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

1. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

2. A water use permit issued by the Water Resources Department for the use described in the application; or

3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well or is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.

06. FIRE SAFETY DESIGN STANDARDS:

A. Roads and driveways should be wide enough for fire equipment.

B. There should be more than one entrance or exit to a dwelling.

C. Dead-end roads and cul-de-sacs should be large enough for fire equipment to turn around.

D. A fuel break of at least 30 feet shall be provided and maintained around all structures. A secondary fuel break shall be constructed and maintained in accordance with Recommended Fire Siting Standards for Dwellings

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Dwellings and Structures and Fire Safety Design Standards for Roads (Oregon Department of Forestry, March 1, 1991).

1. All brush and trees that are touching the structures shall be removed.
 2. Trees shall have limbs pruned 8 to 10 feet above the ground.
- E. Roofs shall be made of non-flammable material.
- F. All vents and other openings should be screened.
- G. Chimneys shall have a spark arrestor.
- H. The water source for fire protection should be an independent system.
- I. Water stand pipes should be located at least 50 feet from the dwelling.
- J. A dwelling shall not be sited on a slope greater than 40 percent.
- K. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the Planning Director determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the Planning Director may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, on-site equipment and water storage, or other methods that are reasonable given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that

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from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road accesses shall be provided to within 15 feet of the water's edge for fire-fighting pump units. The road access shall accommodate turn-around ability for fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

07. STOCKING STANDARDS:

- A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry Administrative Rules.
- B. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
- C. The property owner shall submit a stocking survey report to the County Assessor, and the County Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.
- D. Upon notification by the County Assessor the Department of Forestry will determine whether the tract meets the minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

SECTION 16.030, SPECIAL NOTIFICATION: Ditch companies that may be affected by a partition, subdivision, or change in land use being considered for approval shall receive notification.

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The Oregon Department of Fish and Wildlife and Oregon State Forestry shall receive notification of all partitions and subdivision applications.

SECTION 16.035, APPLICABLE REVIEW CRITERIA:

All uses and development described in this Article shall be subject to the following criteria:

01. SALMON HABITAT RESTORATION: Applications must satisfy any applicable criteria of Article 36, Salmon Habitat Restoration.
02. SCENIC WATERWAYS, WILDLIFE HABITAT, WETLANDS AND RIPARIAN CORRIDORS: Applications must satisfy any applicable criteria of Article 28, Goal 5 and 6 Resource Overlay Zone.
